

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL NO. 1:12CR100-1
(Judge Keeley)

PATRICK FRANKLIN ANDREWS,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION [DKT. NO. 553],
AND DENYING AS MOOT SECOND MOTION TO SUPPRESS [DKT. NO. 323]**

The defendant, Patrick Andrews ("Andrews"), has filed two motions to suppress statements. The Court denied the first motion as moot based on the parties' agreement as to how the statements would be used, if at all, during trial. (Dkt. No. 552). The Honorable John S. Kaull, United States Magistrate Judge, subsequently entered a report and recommendation, explaining that, in his second motion, Andrews "seeks suppression of the same statements at issue in his first motion to suppress." (Dkt. No. 553). Accordingly, Judge Kaull recommended that Andrews's second motion to suppress be denied as moot, based on this Court's previous order on the first motion. Andrews does not object to Judge Kaull's recommendation. Therefore, finding no clear error, the Court **ADOPTS** Judge Kaull's report and recommendation, and **DENIES AS MOOT** Andrews's second motion to suppress statements.

It is so **ORDERED**.

The Court directs the Clerk to transmit copies of this Order to counsel of record.

DATED: January 12, 2015.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE